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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

ZACHEE THEOPHIN : DOCKET NO. 2:09-cv-31  
VS. : JUDGE TRIMBLE  
MICHAEL MUKASEY, ET AL. : MAGISTRATE JUDGE KAY

**ORDER**

Zachee Theophin filed a *habeas corpus* petition in the above-captioned matter on January 6, 2009. Doc. 1. The court set an evidentiary hearing for May 21, 2009 and appointed the Federal Public Defender to represent petitioner. Doc. 12; Doc. 14.

Petitioner filed a Motion to Appoint Counsel on April 29, 2009, despite the court's previously filed order appointing counsel. Doc. 16. Additionally, on May 8, 2009, the government filed a Motion to Dismiss [Doc. 17], representing to the court that Mr. Theophin has been released from custody on an order of supervision pending removal.

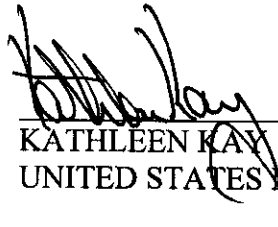
Accordingly, it is ORDERED that petitioner's Motion to Appoint Counsel [doc. 16] is MOOT.

IT IS FURTHER ORDERED that defendant's Motion to Dismiss [doc. 17] is granted and that the matter is DISMISSED WITHOUT PREJUDICE.

Should the representation made to the court by the government be without verity, Mr. Theophin, through counsel, shall notify the court and the action may be reopened for further

proceedings.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on this 12<sup>th</sup> day  
of May, 2009.

  
KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE